DETAILED ACTION

This action is in response to the reply filed on July 8, 2009

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 – 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fabrig in view of Amdahl (U.S. 2004/0018041).

In regards to Claim 1, Fabrig discloses a bind processing method in which sheets of loose leaf paper 14 (Column 11, Lines 15 – 23; Figure 2, Item 14) are bound with a binder 7 (Column 11, Lines 31 – 35; Figure 3, Item 7), the sheets of loose leaf paper having a plurality of punch holes formed along one side of the sheets of paper (Figures 2 and 3 show the sheets having holes 16 (Column 11, Lines 19 – 25) along one particular edge and the binding strips 7a – 7f are placed through the holes) and the binder comprising and a plurality of first and second division ring portions arranged at regular intervals (Column 5, Lines 18 – 24; Figure 1b shows two portions divided and existing at regular intervals), the method comprising: symmetrically driving pairs of first 64' and second 64" pushers so as to close the first and second division ring portions of the binder (Column 10, Lines 63 – 68 and Column 11, Lines 1 – 2; Figures 2 & 3, Items 64', 64"); and engaging forward end portions of the first division ring portions with forward end portions of the second division ring portions within the punch holes formed

on the sheets of loose leaf paper (Figures 2 and 3 show that the forward ends come together in some form and the top portions of 64' and 64" pushing the forward ends; Column 11, Lines 20 – 25 teaches of Items 69 touching the sheets but Figure 2 showing the open rings and the items 69 in phantom show that the items 69 touch the forward ends of the rings. Figure with the closed rings shows the items 69 touching the sheet stack 14 and the rings closed. Due to such movement it is inherent that the rings will close inside the pages, especially since in Figure 2 the rings are open in a symmetric manner where the opening is where the sheets are inserted; Column 12, Lines 9 – 21 teaches the forward ends of the rings go through the perforations). Fabrig further discloses the binder comprising a spine portion (Figure 2, the point at which the rings rotate can be considered part of the spine and the plurality of points making up the spine; Applicant has not stated the spine is elongate or continuous) and that the division rings are along both sides of the spine portion and the spine portion being interposed between the first and second division ring portions (Figure 1b & 2 show that there are a plurality of rings and that the full circle rings are divided at the point of pivoting).

Fabrig does not disclose the binder comprising a continuous rectangular bar like spine with hinged first and second divisions.

Amdahl teaches of a binding element having a rectangular bar like spine having a first hinged division and a second hinged division which comprise one half of the complete ring on each side of the spine and wherein such an element is to be placed in a binding machine (Paragraph 0040 teaches of the fingers on a living hinge to the spine; Paragraph 0041 teaches of having them placed in a binding machine for large amounts

of binding). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the binding elements in the machine of Fabrig in order to provide another form of a pronged binder to bind and produce a large number of stationary articles per unit of time (Column 2, Lines 16 – 22; Fabrig teaches that it is desired to bind pronged binders on a large scale) while reducing the amount of necessary steps in to bind the stacks.

In regards to Claim 2, Fabrig further discloses wherein each of the pairs first and second pushers comprises two sets of the pairs of first and second pushers the two sets of pairs of first and second pushers are arranged in a longitudinal direction (Figure 2 shows the stacks coming in the latitudinal direction and the pushers 64' and 64" coming in a longitudinal direction), one set of the pair of first and second pushers pinch back face sides of the first and second division ring portions of the binder so as to rotate the first and second division ring portions in a closing direction (Figures 2 & 3, Item 64' - the first set is considered to be the portions of 64' and 64" which touch the lower portion of the rings towards the center pivoting), and another set of the pair of first and second pushers pinch forward end sides of the division ring portion of the binder so as to engage the forward end portions of the opposing first and second division ring portions with each other (Figures 2 & 3, Items 64', 64"- the second set is the portion that are above the first set and touch closer to the forward ends; Figure 3 shows the forward end away from the ring, however due to the pivoting the forward end starts near the second set then pivots away as it closes and this can be seen by the way that the rings are open in Figure 2 then end up closed).

In regards to Claim 3, Fabrig further discloses the method further comprising: supporting the sheets of paper to be bound in a sheet table 66, 66A (Column 11, Lines 5 – 14; Figure 2, Item 66), and advancing and retreating the sheet table toward the binder when the pairs of first and second pushers conduct binding, so that generation of abrasion between the division ring portion and inner wall faces of the punch holes can be suppressed when the division ring portions of the binder proceeds into the punch hole on the sheets of paper (Column 10, Lines 63 – 68 → Column 11, Lines 1 – 14 teaches that the holder takes the sheets to the stack 14 for when the pushers arrive and Figures 2 and 3 show the pushers and table operating at the same time. Applicants specification [Page 6, lines 14 - 19] shows that bringing the stack to the pushers suppresses the forces and as stated previously the same is done by Fabrig).

Allowable Subject Matter

Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Although Amdahl teaches of the binders being stacked in the rolled configurations and the binder bins in the Figures however there is no disclosure in Amdahl discussing the operation of the binding machine and how the elements are particularly separated and further more such would change the complete structure to that of Fabrig.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PRADEEP C. BATTULA whose telephone number is (571)272-2142. The examiner can normally be reached on Mon. - Thurs. & alternating Fri. 7:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross can be reached on 571-272-4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. C. B./
Examiner, Art Unit 3725
October 22, 2009

/Dana Ross/
Supervisory Patent Examiner, Art Unit 3725